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EXAMINER
MCDOWELL, JR, MAURICE L

ART UNIT	PAPER NUMBER
2628	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/586,169	GHAZALI, MAZLIN B.	
	Examiner	Art Unit	
	MAURICE MCDOWELL, JR	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 October 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11/2/2006; 1/4/2010*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-22 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing (Reference the May 15, 2008 memorandum issued by Deputy Commissioner for Patent Examining Policy, John J. Love, titled "Clarification of 'Processes' under 35 U.S.C. 101"). The instant claims neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process. For example in claim 1, the step of forming on a polygonal basic tile shape a layout of a basic precinct unit comprising an array of occupiable spaces of predetermined shape, at least one access way communicating with each occupiable space could be performed as a mental step or by a person using paper and pencil, similar arguments could be made for the remaining steps of claim1; thus the steps of claim 1 are not inherently performed by an apparatus.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 23-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Showen Pub. No.: US 2002/0108346 A1.

5. Regarding claim 23, Showen teaches: A method for sub-division of a plot of land, said method characterized by the steps of:

. inputting into a processing device dimensional, boundary and topographical contour data of a plot of land to be sub-divided (fig. 1 see also [0020] and [0043]);

selecting from a data storage means associated with said processing device at least one polygonal basic tile shape (fig. 1 see also [0027] and [0043]);

forming on said polygonal basic tile shape a layout of a basic precinct unit comprising an array of occupiable spaces selected from a stored range of predetermined shapes and at least one access way communicating with each occupiable space (fig. 1 see also [0029]);

computing a tessellation of said polygonal basic tile shapes over a computed surface of said plot of land within a predetermined dimensional ratio whereby respective said at least one access way of each basic precinct unit connects with an access way of an adjacent basic precinct unit to form a network of connecting access ways over said computed surface of said plot of land to be sub-divided, each said basic precinct unit, together with an adjacent basic precinct unit, forming an inter- tile unit of predetermined shape from two or more adjacent occupiable spaces, said inter-

tile unit linking adjacent basic precinct units (fig. 1 see also [0027]); and,

outputting to a display device a computed sub-divisional plan for said plot of land (fig. 1 see also [0043]).

6. Regarding claim 24, Showen teaches: A method wherein said basic polygonal tile shape is formed from two or more polygonal sub-tile shapes of predetermined configuration (fig. 3 see also [0044]).

7. Regarding claim 25, Showen teaches: A method wherein a plurality of basic polygonal tile shapes may be combined to form a polygonal super-tile shape of predetermined configuration (fig. 1 see also [0020]).

8. Regarding claim 26, Showen teaches: A method wherein polygonal inter-tile shapes, polygonal sub-tile shapes and/or polygonal super-tile shapes are tessellated alone or in any combination thereof to form a computed sub-divisional plan for said plot of land (figs. 1-3 see also [0020]-[0022]).

9. Regarding claim 27, Showen teaches: A method wherein tessellated sub-tile, basic tile, super-tile and inter-tile units or any combination thereof are applied to a computed sub-divisional plan of a plot of land in a best fit adaptation to accommodate predetermined land boundary and/or land contour variations (fig. 2 see also [0046]).

10. Regarding claim 28, Showen teaches: A method wherein

computed artefacts absent from said basic precinct units are incorporated into said computer subdivisional plan of said plot of land without substantial distortion to said network of connecting access ways [0048].

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flanders Patent No.: US 6,688,052 B1 in view of Adams Patent No.: 4,679,363.

13. Regarding claim 1, Flanders teaches: A method for sub-division of a plot of land, said method comprising the steps of:-

forming on a polygonal basic tile shape a layout of a basic precinct unit comprising an array of occupiable spaces of predetermined shape, at least one access way communicating with each occupiable space; said occupiable spaces each having respective right of occupancy (fig. 1 see also col. 9 lines 14-25).

14. Flanders doesn't teach: forming an optimized sub-division of said plot of land by tessellating said polygonal basic tile shapes over an area to be sub-divided whereby respective said at least one access way of each basic precinct unit connects with an access way of an adjacent basic precinct unit to form a network of connecting access ways, each said basic precinct unit, together with an adjacent basic precinct unit forming an inter-tile unit of predetermined shape from two or more adjacent occupiable spaces, said inter-tile unit linking adjacent basic precinct units to form a commercial or resident sub-division.

15. The analogous prior art Adams teaches: forming an optimized sub-division of said plot of land by tessellating said polygonal basic tile shapes over an area to be sub-divided whereby respective said at least one access way of each basic precinct unit connects with an access way of an adjacent basic precinct unit to form a network of connecting access ways, each said basic precinct unit, together with an adjacent basic precinct unit forming an inter-tile unit of predetermined shape from two or more adjacent occupiable spaces, said inter-tile unit linking adjacent basic precinct units to form a commercial or resident sub-division (fig. 3, 20' see also col. 3 lines 6-10) for the benefit of providing a land arrangement which preserves the environment and provides for large amounts of green space.

16. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine forming an optimized sub-division of said plot of land by tessellating said polygonal basic tile shapes over an area to be sub-divided whereby respective said at least one access way of each basic precinct unit connects with an access way of an adjacent basic precinct unit to form a network of connecting access ways, each said basic precinct unit, together with an adjacent basic precinct unit forming an inter-tile unit of predetermined shape from two or more adjacent occupiable spaces, said inter-tile unit linking adjacent basic precinct units to form a commercial or resident sub-division as shown in Adams with Flanders for the benefit of providing a land arrangement which preserves the environment and provides for large amounts of green space.

17. Regarding claim 2, Adams further teaches: A method wherein said polygonal basic tile shape comprises a plurality of polygonal sub-tiles of predetermined shape (fig. 1) (subslices).

18. Regarding claim 3, Adams further teaches: A method wherein each said polygonal sub-tile comprises a layout including at least portio0 of an occupiable space and at least portion of an access way (fig. 1, 26 and 56 and 54 see also col. 3 lines 1-2).

19. Regarding claim 4, Adams further teaches: A method wherein each said polygonal sub-tile further comprises at least portion of a common space (fig. 1, 52).

20. Regarding claim 5, Adams further teaches: A method wherein said sub-tiles comprises part or all of one or more occupiable spaces (fig. 1, 54 and 56).

21. Regarding claim 6, Adams further teaches: A method wherein each said sub-tile shape is identical (fig. 1).

22. Regarding claim 7, Adams further teaches: A method wherein said sub-tiles each comprise an array of discrete occupiable spaces and at least one access way (fig. 1, 54 and 26).

23. Regarding claim 8, Adams further teaches: A method wherein said sub-tiles further comprise at least one common space region (fig. 1, 52).

24. Regarding claim 9, Adams further teaches: A method wherein said sub-tiles have the same or differing shapes (fig. 1).

25. Regarding claim 10, Adams further teaches: A method wherein said basic tile shapes are tessellated to form a super-tile shape containing provision for public amenities (fig. 6, 154).

26. Regarding claim 11, Adams further teaches: A method wherein said super-tile is tessellated with basic tile shapes of the same or differing shapes (fig. 6).

27. Regarding claim 12, Adams further teaches: A method wherein adjacent said occupiable spaces embody adjacent building structures having at least one common wall structure (fig. 4, 77 and 78 see also col. 3 lines 26-27).

28. Regarding claim 13, Adams further teaches: A method wherein said building structures are selected from duplex, triplex, quadriplex, pentaplex, sextuplex or octaplex structures or any combination thereof (fig. 4, 77 and 78).

29. Regarding claim 14, Adams further teaches: A method wherein said occupiable spaces comprise housing lots (fig. 4, 77 and 78).

30. Regarding claim 15, Adams further teaches: A method wherein said basic precinct unit comprises a basic neighbourhood unit (fig. 4, 68).

31. Regarding claim 16, Adams further teaches: A method wherein said occupiable spaces comprise building floor plan layouts (fig. 4, 78).

32. Regarding claim 17, Adams further teaches: A method wherein said access way comprises a roadway (fig. 3, 64).

33. Regarding claim 18, Adams further teaches: A method wherein said access way comprises pedestrian access ways (fig. 3, 30').

34. Regarding claim 19, Adams further teaches: A method wherein said common space includes roadways and/or pedestrian access ways (fig. 1, 26).

35. Regarding claim 20, Adams further teaches: A method wherein said common space includes communal spaces (fig. 1, 26).

36. Regarding claim 21, Adams further teaches: A method whereby subdivisions so formed include a building structure selected from a triplex, pentaplex, sextuplex or octaplex configuration wherein dwelling units are separated from adjacent dwelling units by at least one common wall (fig. 4, 77 and 78).

37. Regarding claim 22, Adams further teaches: A land sub-division whenever effected (fig. 3, 20' see also col. 3 lines 6-10).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAURICE MCDOWELL, JR whose telephone number is (571)270-3707. The examiner can normally be reached on Mon-Friday 7:30am - 5:00pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xiao Wu can be reached on 571--272-7761. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MM

/XIAO M. WU/
Supervisory Patent Examiner, Art Unit 2628